

ITEM:	6
SUBJECT:	Strategy for Addressing Issues Associated with Effluent Dominated Water Bodies
	<p>DISCUSSION: The characteristics of many small or ephemeral surface water bodies in the Central Valley are dominated or greatly influenced by discharges of wastewater from municipal wastewater treatment facilities. Water bodies with flow regimes that are dominated by the presence of effluent from permitted discharges are labeled Effluent Dominated Water bodies (EDWs).</p> <p>Since 1975, the Regional Board has adopted more than 40 permits for discharges of treated municipal wastewater into ephemeral water bodies or water bodies with limited dilution capacity, thus creating effluent dominated water bodies (EDW). By allowing the creation of EDWs, the habitat and beneficial uses associated with these streams may have been altered. In the Basin Plan, the beneficial uses of the streams, and associated water quality objectives, are defined indirectly by use of the tributary rule. The tributary rule, simply stated, assigns the beneficial uses of the major rivers to their tributaries. Because there is limited dilution capacity, effluent limits are usually set equivalent to water quality objectives. These effluent limits may be difficult or prohibitively expensive for the dischargers to meet. Some of the parameters of concern for the dischargers include pH, temperature, turbidity, and dissolved oxygen.</p> <p>Recent legislation (SB 709 - Migden) has greatly increased the liability for dischargers that are out of compliance with permit limits. Consequently, development and adoption of permits has become very time consuming and contentious. As permits are considered for renewal, numerous dischargers have questioned the need for stringent effluent limits in these water bodies and requested that the Regional Board consider amending the Basin Plan to address their concerns. Staff is currently working with El Dorado Irrigation District on a potential Basin Plan Amendment for Deer Creek. The Cities of Roseville, Lincoln, Vacaville and West Sacramento have asked Regional Board staff to consider amending the Basin Plan to address their concerns. Based on the schedule for permit renewal, it is estimated that eight to ten permittees will be making this request each year for the next five years. This does not include new facilities or facilities requesting a revised permit for expansion.</p> <p>In the recent triennial review of the Basin Plan for the Sacramento and San Joaquin River Basins, EDWs were identified by the Regional Board as the highest priority basin planning issue, and staff was directed to prepare a</p>

staff report examining this issue. The draft staff report includes a description of the issue, a summary of applicable water quality laws and regulations, a summary of previous efforts to address the issue, a discussion of beneficial use protection, and a summary of parameters of concern to the dischargers. The report describes a set of alternative approaches or options for addressing the issue, and an evaluation of the options, including an assessment of available and required staff resources. Staff have used the draft report as a starting point for discussions with key stakeholders, including US EPA, US Fish and Wildlife Service, Department of Fish and Game, Department of Health Services, individual dischargers, discharger associations, and environmental interest groups. Input from these stakeholder meetings have been incorporated into the draft staff report.

Recently, beneficial use protection in many of these water bodies has become more complex. Under the federal Endangered Species Act, the National Marine Fisheries Service (NMFS) has listed Central Valley Steelhead as a threatened species. As part of the listing, NMFS has designated "critical habitat" and "take". Critical habitat has been designated to include all river reaches accessible to listed steelhead in the Sacramento and San Joaquin Rivers and their tributaries.

In addition to receiving stakeholder input, staff is already taking several steps towards resolving these permitting and planning issues.

- Staff is working with EID on a potential basin plan amendment for Deer Creek. Some of the information assembled by EID can be used to assist other permittees.
- Staff is evaluating the most recent technical and regulatory information in an effort to quickly pursue general rather than site specific amendments. Efforts currently are focused on pH and turbidity.
- Staff has obtained some monitoring funds and is designing a monitoring program to assist with the resolution of outstanding technical issues. Monitoring should begin in the fall.
- Staff is investigating with NMFS staff the potential for a streamlined programmatic approach as well as the opportunities for watershed-based solutions to ESA critical habitat issues. Watershed-based solutions could take a variety of forms that provide a "net environmental benefit" at reduced costs to dischargers.
- Staff is beginning to develop a policy for EDWs. The policy would address:
 - Under what circumstances should the characteristics of existing natural systems be allowed to be changed (by

	<p>allowing effluent to be discharged into them)?</p> <ul style="list-style-type: none"> ○ What water quality conditions are appropriate for EDWs? ○ Staff is investigating ways to obtain resources for the above activities, which are time consuming and currently unfunded.Staff expects to finalize the draft staff report following the August Board meeting
RECOMMENDATION:	This is an informational item

Mgmt. Review _____

Legal Review _____